UNITED STATES BANKRUPTCY COURT FOR THE DISTRICT OF DELAWARE

| In re: | |) Chapter 11 |
|---------------------------|-----|---|
| W.R. GRACE & Co., et al., | |) Case No. 01-01139 (JKF) |
| Debtor. | · u | Jointly AdministeredRe: Docket Nos. 13061, 13843 and 13885 |
| | : |)) Hearing Date December 18, 2006 |

NOTICE OF WITHDRAWAL OF OBJECTION OF BRAYTON PURCELL LLP TO NOTIFICATION THAT THE DEBTOR IS CONTESTING CERTAIN PRE-PETITION SETTLED CLAIMS

- 1. On October 11 and 12, 2006 certain claimants represented by Brayton Purcell LLP, (Brayton Purcell) listed on Exhibit A, submitted their proof of claim forms and supporting evidence to the Debtor's agent, Rust Consulting, pursuant to the Court's August 24, 2006 Order (Docket No. 13061). All 110 had pre-petition settlements with Debtor.
- 2. On November 6, 2006 Debtor's counsel notified claimants' counsel in a letter that the claims were being contested because "Claimants did not provide signed release forms" and "Therefore, in accordance with the August 24, 2006 Order as to All Pre-Petition Asbestos PI Litigation Claims, the Debtors dispute and contest the purported settlements for these claims..."
- 3. On November 29, 2006 these claimants filed "Objection of Brayton Purcell LLP to Notification That the Debtor Is Contesting Certain Pre-petition Settled Claims" (Docket No. 13843) disputing the categorization of these claims as unsettled.

- 4. On December 1, 2006, Debtor filed its "Brief Regarding Settled Pre-Petition Asbestos PI Claims" (Docket No. 13885). Within that document Debtor stated that Grace has located Releases for the 110 disputed claims and that "Grace no longer contests any of the claims that Brayton❖Purcell submitted as Settled Pre-Petition Asbestos PI Claims." (Page 5 at footnote 2).
- 5. Having received confirmation from the Debtor that it does in fact no longer object to the Brayton Purcell claims, and based upon the representations of its counsel, Brayton Purcell agrees that the Objection filed is moot in all respects. Accordingly, Brayton Purcell hereby withdraws the Objection.

Dated: 12/7/04

Respectfully Submitted, Brayton Purcell, LLP

Jacqueline K. Loveless

California State Bar No. 173308

Brayton❖Purcell, LLP 222 Rush Landing Road

Novato, CA 94948

PH: (415) 898-1555 FAX: (415) 898-1247

Counsel for Certain Claimants Represented by Brayton Purcell LLP

EXHIBIT A

Exhibit A to November 4, 2006 Letter to Brayton & Purcell

| | | 1 4, 2006 Letter to b |
|------------------|-----------|---------------------------|
| | | Creditor/SSN/Last44Digits |
| Anderson, | Brayton & | . 1 |
| Claude | Purcell | 2550 |
| | Brayton & | |
| Baker, Cecil | Purcell | 3251 |
| | Brayton & | |
| Bell, Rodney | Purcell | 1738 |
| Benedict, | Brayton & | |
| Donald G | Purcell | 9608 |
| | Brayton & | |
| Bonomi, Mike | Purcell | 9102 |
| · . | Brayton & | |
| Buna, Joseph | Purcell | 5645 |
| Chisum, | Brayton & | · |
| Grover | Purcell | 2342 |
| Clifton, | Brayton & | |
| Harmon | Purcell | 7506 |
| | Brayton & | . ! |
| Climons, David | Purcell | 5951 |
| Collins, | Brayton & | |
| Thomas | Purcell | 4510 |
| Cook, Charles | Brayton & | |
| J | Purcell | 8276 |
| Correia, | Brayton & | |
| Manuel | Purcell | 0169 |
| | Brayton & | . 1 |
| Cox, Rollen | Purcell | 0226 |
| | Brayton & | |
| Daubin, Archie | | 4952 |
| Daugherty, | Brayton & | |
| Jerry | Purcell | 6174 |
| Dawson, | Brayton & | |
| Delree | Purcell | 3084 |
| | Brayton & | |
| Dean, Albert | Purcell | 9184 |
| Dekens, | Brayton & | |
| Raymond S | Purcell | 4571 |
| | Brayton & | |
| Duran, Paul | Purcell | 6232 |
| Efstratios, Sr., | Brayton & | |
| James | Purcell | 7955 |
| Ellington, | Brayton & | |
| Steve | Purcell | 7707 |
| | Brayton & | • • |
| Estes, Bill G | Purcell | 8076 |
| | Brayton & | |
| Evans, Larry | Purcell | 9651 |
| | Brayton & | |
| Evans, Sharon | Purcell | 9929 |



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| | Brayton & | |
| Faison, Billy | Purcell | 5685 |
| Fernandez, | Brayton & | |
| Manuel | Purcell | N/P |
| | Brayton & | |
| Fisher, Clinton | Purcell | 9085 |
| | Brayton & | |
| Foti, Ferenc | Purcell | 1119 |
| | Brayton & | |
| Fox, James | Purcell | 4962 |
| | Brayton & | |
| Frank, Michael | , | 1850 |
| , | Brayton & | |
| Franz, Vicky | Purcell | 2854 |
| Freeman, | Brayton & | |
| Henry | Purcell | 1203 |
| · | Brayton & | 1200 |
| French, Linton | Purcell | 0403 |
| Tronon, Emion | Brayton & | 0403 |
| Garrett, Mary | Purcell | 2209 |
| Goettsch, | Brayton & | 2209 |
| 1 | Purcell | 7000 |
| James | | 7320 |
| Graham, | Brayton & | 5100 |
| Delaney | Purcell | 5160 |
| | Brayton & | |
| Green, Hobby | Purcell | 6334 |
| | Brayton & | |
| Green, Joseph | Purcell | 8293 |
| Green, Jr., | Brayton & | |
| William | Purcell | 3580 |
| Harden, Jr., | Brayton & | |
| Samuel | Purcell | 9987 |
| Hawkins, | Brayton & | |
| Neville | Purcell | 9948 |
| Hettenbach, | Brayton & | |
| Harry | Purcell | 8227 |
| Hickman, | Brayton & | |
| Wilbert | Purcell | 0135 |
| Hodges, | Brayton & | |
| Roland O | Purcell | 4643 |
| | Brayton & | |
| Hudson, Bruce | | 5493 |
| Jernigan, | Brayton & | · |
| James T | Purcell | 8229 |
| | Brayton & | 3 - 3 |
| Kish, Jack | Purcell | 9953 |
| Lambert, | Brayton & | |
| Robert | Purcell | 2430 |
| Leithold, Jr., | Brayton & | |
| Albert | Purcell | 5956 |
| Little, Richard | Brayton & | |
| Р | Purcell | 2646 |
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| Mannering, | Brayton & | |
| John | Purcell | 9971 |
| Manning, | Brayton & | |
| Ruphane | Purcell | 3499 |
| | Brayton & | |
| Martin, Cecil | Purcell | 3000 |
| McClain, | Brayton & | |
| Richard | Purcell | 8843 |
| Inchard | Brayton & | 0043 |
| MaClama Billia I | | 6800 |
| McClary, Billy J | | 6890 |
| McDougall, | Brayton & | [|
| John | Purcell | 0597 |
| Mecchi, | Brayton & | |
| Andrew | Purcell | 1866 |
| Mendoza, | Brayton & | |
| Theodore | Purcell | 2717 |
| Milan, | Brayton & | |
| Salvadore | Purcell | 5383 |
| Millonzi, | Brayton & | |
| Charles | Purcell | 4189 |
| Mitchell, | Brayton & | 7109 |
| • | | 0741 |
| Freddie | Purcell | 0741 |
| Mooney | Brayton & | |
| Moore, Jesse | Purcell | 3470 |
| | Brayton & | |
| Neal, James | Purcell | 2131 |
| | Brayton & | |
| Nevitt, Alan F | Purcell | 3168 |
| Page, Donald | Brayton & | 3 |
| R | Purcell | 7184 |
| | Brayton & | |
| Perry, Kermit | Purcell | 6318 |
| Pimental, | Brayton & | 10310 |
| | | 7750 |
| Charles | Purcell | 7758 |
| , | Brayton & | |
| Ramsey, Carl | Purcell | 5469 |
| Richardson, | Brayton & | |
| Claude | Purcell | 7109 |
| | | |
| Sager, Elwood | Brayton & | |
| Manley | Purcell | 9140 |
| · | Brayton & | |
| Simms, Harold | | 6945 |
| | Brayton & | |
| Smith, Bernard | | 1438 |
| Solorzano, | Brayton & | |
| Albert P | Purcell | 4208 |
| Steadman, | Brayton & | 7200 |
| 1 | Purcell | 8024 |
| Raymond | <u> </u> | 8924 |
| Stearns, | Brayton & | 0000 |
| Benjamin | Purcell | 0283 |

| Stewart, John Purcell 1925 Stmary, Jr., Arsene Brayton & Durcell 0148 Stratton, Brayton & Donald Purcell 4533 Suitor, John D Purcell 3283 Suitor, Richard Brayton & D Purcell 8160 Suitor, Sr. Brayton & Brayton & Gr85 Valcour C Purcell 6785 Swanson, Brayton & Grayton & Gra | · | | - |
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| Valcour C Swanson, Melvin Purcell Falbert, Lorraine Purcell Brayton & Vella, Peter A Purcell Brayton & Vigil, Richard A Purcell Brayton & Purcell Purcell Purcell Frayton & Frayton | | | |
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| Lorraine Purcell 9012 Brayton & Purcell 3056 Treadway, Brayton & Stayton & | | | |
| Thomas, John Treadway, Charles Brayton & Charles Brayton & Purcell Brayton & Purcell Brayton & Purcell Brayton & Vella, Peter A Vigil, Richard A Vigil, Richard A Purcell Brayton & Purcell Brayton & Raymond Purcell Brayton & Purcell Brayton & Wasso, Gus Purcell Brayton & Wildoner, Brayton & Robert Purcell Williams, Leonard Purcell Drayton & Purcell 1076 Wisecarver, Brayton & Lewis Purcell Brayton & Purcell 1076 Wisecarver, Brayton & Brayton & Purcell Brayton & Purcell 1076 Wisecarver, Brayton & Purcell Brayton & | | | 9012 |
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| Charles Purcell 3486 Brayton & Brayton & 8098 Vella, Peter A Purcell 8098 Vigil, Richard A Purcell 2452 Walker, Brayton & 7472 Brayton & 7472 Brayton & 7065 Wildoner, Brayton & 7065 Wildoner, Brayton & 7065 Williams, Brayton & 1076 Wisecarver, Brayton & 1076 | | | 3030 |
| Vella, Peter A Purcell Brayton & Purcell Vigil, Richard A Purcell Walker, Raymond Purcell Brayton & Purcell 7472 Brayton & Wasso, Gus Purcell To65 Wildoner, Brayton & Robert Purcell Williams, Leonard Purcell To76 Brayton & Lewis Purcell Brayton & Brayton | - , | • | 2496 |
| Vella, Peter A Purcell 8098 Brayton & Purcell 2452 Walker, Brayton & 7472 Brayton & 7472 Brayton & 7065 Wildoner, Brayton & 7065 Wildoner, Brayton & 7065 Williams, Brayton & 7076 Wisecarver, Brayton & 7076 Brayton & 7076 Wisecarver, Brayton & 7076 Wisecarver, Brayton & 7076 Brayton & 7076 Wisecarver, Brayton & 7076 Brayton & 7076 | | | 3400 |
| Vigil, Richard A Purcell 2452 Walker, Brayton & 7472 Brayton & 7472 Brayton & 7065 Wildoner, Brayton & 7065 Williams, Brayton & 7065 Williams, Brayton & 7076 Wisecarver, Brayton & 7076 Brayton & 7076 Wisecarver, Brayton & 7076 Brayton & 7076 Wisecarver, Brayton & 7076 Wisecarver, Brayton & 7076 Brayton & 7076 | | - | 9009 |
| Vigil, Richard A Purcell 2452 Walker, Brayton & 7472 Brayton & 7472 Wasso, Gus Purcell 7065 Wildoner, Brayton & 765 Williams, Brayton & 1076 Wisecarver, Brayton & 1076 | | | 8098 |
| Walker, Brayton & Purcell 7472 Brayton & Purcell 7065 Wasso, Gus Purcell 7065 Wildoner, Brayton & Separation & Separati | | | 0.450 |
| Raymond Purcell 7472 Brayton & 7065 Wasso, Gus Purcell 7065 Wildoner, Brayton & 7065 Williams, Brayton & 1076 Wisecarver, Brayton & 1076 Wisecarver, Brayton & 6825 Woods, Brayton & 1076 Brayton & 9300 Brayton & 9300 | | | 2452 |
| Brayton & 7065 Wildoner, Brayton & 7065 Williams, Brayton & 7065 Williams, Brayton & 7065 Wisecarver, Brayton & 7065 Wisecarver, Brayton & 7065 Woods, Brayton & 7065 Woods, Brayton & 7065 Brayton & 7065 Woods, Brayton & 7065 Brayton & 7065 Wasser Purcell 9300 Brayton & 9300 | | | |
| Wasso, Gus Purcell 7065 Wildoner, Brayton & 3605 Williams, Brayton & 1076 Wisecarver, Brayton & Lewis Purcell 6825 Woods, Brayton & Herbert Purcell 9300 Brayton & 9300 | | | 7472 |
| Wildoner, Brayton & Purcell 3605 Williams, Brayton & Leonard Purcell 1076 Wisecarver, Brayton & Lewis Purcell 6825 Woods, Brayton & Herbert Purcell 9300 Brayton & Bra | | _ | |
| Robert Purcell 3605 Williams, Brayton & 1076 Leonard Purcell 1076 Wisecarver, Brayton & 6825 Woods, Brayton & 9300 Brayton & 9300 | | The second secon | 7065 |
| Williams, Brayton & Leonard Purcell 1076 Wisecarver, Brayton & Purcell 6825 Woods, Brayton & Purcell 9300 Brayton & Brayton & | , | • | |
| Leonard Purcell 1076 Wisecarver, Brayton & | | | 3605 |
| Wisecarver, Brayton & Lewis Purcell 6825 Woods, Brayton & Herbert Purcell 9300 Brayton & | | _ | |
| Lewis Purcell 6825 Woods, Brayton & Herbert Purcell 9300 Brayton & Brayton & | | | 1076 |
| Woods, Brayton & Purcell 9300 Brayton & | | | · |
| Herbert Purcell 9300 Brayton & | | | 6825 |
| Brayton & | | | · |
| | lerbert | Purcell | 9300 |
| Marada Dawial Dawall 10000 | | | |
| Woods, Patrick Purcell 0088 | Voods, Patrick | Purcell | 0088 |
| Yandeil, Brayton & | 'andell, | Brayton & | |
| Tommy Purcell 1527 | ommy | Purcell | 1527 |
| Benter, Brayton & | Benter, | Brayton & | |
| George (dec.) Purcell 2957 | Seorge (dec.) | Purcell | 2957 |
| Cochran, | Cochran, | | |
| Lawrence Brayton & | | Brayton & | |
| (dec.) Purcell 4069 | dec.) | Purcell | 4069 |
| Cosio, | | | |
| Armando Brayton & | Armando | Brayton & | |
| (dec.) Purcell 4844 | dec.) | Purcell | 4844 - |
| | | | |
| Cramer, Brayton & | | | |
| Kenneth (dec.) Purcell 6591 | (enneth (dec) | Purcell | 6591 |

| | Brayton & | | |
|-----------------|-------------|------|---|
| Cullins, Ernest | Purcell | 0899 | |
| Davis, Hurley | Brayton & | | |
| (dec.) | Purcell | 9259 | · |
| Eastman, | Brayton & | | |
| Carlyle (dec.) | Purcell | 1682 | |
| | Brayton & | 1 | |
| Foster, Billie | Purcell | 4994 | |
| Gaston, | Brayton & | | : |
| Monroe (dec.) | Purcell | 5655 | : |
| | Brayton & . | | : |
| Ham, Harold | Purcell | 4776 | ; |
| Johnson, Allen | Brayton & | | |
| (dec.) | Purcell | 1870 | |
| | Brayton & | | |
| Nobles, Curtis | Purcell | 6851 | 1 |
| Passanante, | Brayton & | | |
| Joseph A | Purcell | 0666 | |
| Rehlmeyer, | Brayton & | | |
| Robert | Purcell | 9794 | |
| Spaulding, | Brayton & | | |
| Robert (dec.) | Purcell | 0896 | |

BRAYTON PURCELL LLP

MEMORANDUM

TO:

OPN

FROM:

DVD

DATE:

December 4, 2006

RE:

EVAL MSJ Sparks 104392.001 v. BUFPUM and WARPUM due 12/29

****NOTE, WARPUM did not attach all facts rogs (although they did serve them way back in 2005), so we have an automatic burden argument there.

PI:PD case

Defendants: pump manufacturers.

RECOMMENDATION: This is frustrating, as a Machinists Mate these defendant's should have been easy pickings for this guy, he probably worked with at least one of their pumps a week for a period of over 10 years, but he didn't testify that way.

As to BUFPUM: Probably DWOP, would have a shot at reentrainment, but it would likely lose, *please advise if oppose*: re shorter term reentrainment v. client ID of pump. Also, we may want to try negligent specification and design, although discovery responses make no mention of this as a theory we are pursuing.

As to WARPUM: Oppose on Burden only or DWOP. This guy testified up and down that he didn't know the maintenance history of any of the WARPUM that he worked on or any of the component parts, they even asked him about QUIMBP, too bad (for them) that they failed to include all facts discovery.

DEPOSITION: Lots of testimony

As to BUFPUM: Direct ID on board the MERRICK, COLAHAN and generally while working as a Machinist Mate. Testified that he did not know the maintenance history of the pumps, thereby shifting the burden to us to establish OEM.

As to WARPUM: Very limited ID, testified that all WARPUM/QUIMBP he worked with were ambient temperature. Testified that he didn't know the maintenance history of the pumps or any of the associated components. Ambient temperature doesn't matter, Fening has foundation to say that those gaskets contained asbestos (he worked with them). The maintenance history is a killer and forces us into a reentrainment/contemporaneous exposure analysis.

PID: Lots of hits.

Case 01-01139-AMC Doc 13928 Filed 12/05/06 Page 10 of 14 As to BUFPUM:

Per P: COLAHAN, install 1944, P on board 9/20/62-9/18/64, original packing out 1952, a 10+ year reentrainment; and MERRICK, install 1945, P on board 3/29/57-3/3/61, original packing out 1953, a 4+ year reentrainment.

Per Natarc: We have a shot at simultaneous exposures on the CONSTELLATION, GRIDLEY, HMAS PERTH, HOEL KITTY HAWK, and TOWERS. This will all depend upon the specific testimony for each ship.

GRIDLEY: NO ID to work on pumps, no specific years provided.

HMAS PERTH: NO ID to work on pumps, specific year provided, new construction of ship = no pump asb. releases.

HOEL: NO ID to work on pumps, no specific years provided.

KITTY HAWK: Never asked re pump work or year worked aboard. Ship was overhauled 1965 at PSNSY, Came into LBNSY (where P worked) 2 years later for alterations, unlikely that any of the pumps had OEM materials at that time.

CONSTELLATION: Positive ID of pump work, no info re: year worked. No info in DANFS about repair yards. Per Ship list in WP file, overhaul at PSNSY in 1964, came into LBNSY in early 1970s. No shot at OEM given those facts.

BON HOMME RICHARD, install 1944, P on board approx 1964-1974, Too long BENNER, install 1945, P on board approx 1964-1974, too long CANBERRA, install 1943, P on board approx 1964-1974, too long CHICAGO, install 1945, P on board approx 1964-1974, too long CONSTELLATION, install 1961, P on board approx 1964-1974, we have a shot DEHAVEN, install 1944, P on board approx 1964-1974, too long GRIDLEY, install 1963, P on board approx 1964-1974, we have a shot HENDERSON, install 1945, P on board approx 1964-1974, too long HIGBEE, install 1945, P on board approx 1964-1974, too long HMAS PERTH, install 1963, P on board approx 1964-1974, we have a shot HOEL, install 1962, P on board approx 1964-1974, we have a shot

Case 01-01139-AMC Doc 13928 Filed 12/05/06 Page 11 of 14 HOLLISTER, install 1946, P on board approx 1964-1974, too long

HORNET, install 1943, P on board approx 1964-1974, too long

MIDWAY, install 1945, P on board approx 1964-1974, too long

MISSOURI, install 1944, P on board approx 1964-1974, too long

KITTY HAWK, install 1961, P on board approx 1964-1974, we have a shot KLONDIKE, install 1945, P on board approx 1964-1974, too long

ORISKANY, install 1950, P on board approx 1964-1974, reentrainment?

NEW JERSEY, install 1943, P on board approx 1964-1974, too long

SAINT PAUL, install 1945, P on board approx 1964-1974, too long

TICONDEROGA, install 1944, P on board approx 1964-1974, too long

YORKTOWN, install 1943, P on board approx 1964-1974, too long

As to WARPUM: No ship specific ID by P.

Per Natarc:

BENNER, install 1945, P on board approx 1964-1974, too long
BENNINGTON, install 1944, P on board approx 1964-1974, too long
BON HOMME RICHARD, install 1944, P on board approx 1964-1974, too long
CANBERRA, install 1943, P on board approx 1964-1974, too long
CHICAGO, install 1945, P on board approx 1964-1974, too long
COLAHAN, install 1944, P on board 9/20/62-9/18/64, original packing out 1952, a 10+ year reentrainment
CONSTELLATION, install 1961, P on board approx 1964-1974, we have a shot
CORAL SEA, install 1947, P on board approx 1964-1974, too long
DEHAVEN, install 1944, P on board approx 1964-1974, too long
GRIDLEY, install 1963, P on board approx 1964-1974, we have a shot

Case 01-01139-AMC Doc 13928 Filed 12/05/06 HENDERSON, install 1945, P on board approx 1964-1974, too long HIGBEE, install 1945, P on board approx 1964-1974, too long HMAS PERTH, install 1963, P on board approx 1964-1974, we have a shot HOEL, install 1962, P on board approx 1964-1974, we have a shot HOLLISTER, install 1946, P on board approx 1964-1974, too long HORNET, install 1943, P on board approx 1964-1974, too long KEARSARGE, install 1946, P on board approx 1964-1974, too long KITTY HAWK, install 1961, P on board approx 1964-1974, we have a shot KLONDIKE, install 1945, P on board approx 1964-1974, too long LOS ANGELES, install 1945, P on board approx 1964-1974, too long MIDWAY, install 1945, P on board approx 1964-1974, too long MISSOURI, install 1944, P on board approx 1964-1974, too long NEW JERSEY, install 1943, P on board approx 1964-1974, too long OKLAHOMA CITY, install 1944, P on board approx 1964-1974, too long ORISKANY, install 1950, P on board approx 1964-1974, reentrainment? PRINCETON, install 1945, P on board approx 1964-1974, too long SAINT PAUL, install 1945, P on board approx 1964-1974, too long TICONDEROGA, install 1944, P on board approx 1964-1974, too long TOPEKA, install 1944, P on board approx 1964-1974, too long TOWERS, install 1961, P on board approx 1964-1974, we have a shot VALLEY FORGE, install 1946, P on board approx 1964-1974, too long YORKTOWN, install 1943, P on board approx 1964-1974, too long

INVESTIGATIONS: No work up.

CERTIFICATE OF SERVICE

I, Kaishea Kegley, do hereby certify that on this 5th day of December, 2006, I caused a true and correct copy of the foregoing Notice of Withdrawal of Objection Of Brayton&Purcell LLP To Notification That The Debtor Is Contesting Certain Pre-Petition Settled Claims Filed by Brayton&Purcell LLP. to be served via first class U.S. Mail, postage prepaid on the parties designated on the attached service list.

Kaishea Kegley

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Pachulski Stang Ziehl Young & Jones Attn: Laura Davis Jones 919 North Market Street, 16th Floor Wilmington, DE 19899-8705

Reed Smith LLP Attn: Richard Allen Keuler, Jr. 1201 Market Street, Suite 1500 Wilmington, DE 19801

Greenberg Traurig, LP Attn: William E. Chipman., Jr. 1000 West Street, Suite 1540 Wilmington, DE 19801 Duane Morris LLP Attn: Michael R. Lastowski 1100 North Market Street, Suite 1200 Wilmington, DE 19801-1246

Janssen Keenan & Ciardi PC Attn: Rosalie L. Spelman 901 Market Street, Suite 460 Wilmington, DE 19801

Office of the US Trustee Attn: Frank J. Perch III 844 King Street, Suite 2207, Lock Box 35 Wilmington, DE 19801 Pachulski Stang Ziehl Young & Jones Attn: Paula Ann Galbraith 919 North Market Street, 16th Floor Wilmington, DE 19899-8705.

Pachulski Stang Ziehl Young & Jones PC Attn: Scotta Edelen McFarland 10100 Santa Monica Blvd., 11th Floor Los Angeles, CA 90267

Sean Allen, President BMC GROUP 720 Third Avenue, 23rd Floor Seattle, WA 98104